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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY ______ DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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| UNITED STATES OF AMERICA, Plaintiff, v. Janet GONZALEZ Defendant, | Magistrate Case Number: '07 MJ 2669 |
| | COMPLAINT FOR VIOLATION OF |
| | Title 21, U.S.C., Sections 952 and 960 Importation of a Controlled Substance |

The undersigned complaint being duly sworn states:

On or about November 13, 2007, within the Southern District of California, Janet GONZALEZ, did knowingly and intentionally import approximately 16.78 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
SPECIAL AGENT
U.S. IMMIGRATION and
CUSTOMS ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF NOVEMBER, 2007.

MAGISTRATE JUDGE

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Summary of Defendant's Post-Arrest Statement

At approximately 2148 hrs on 11/13/07, at the Otay Mesa Port of Entry, CBP Anti-Terrorism Contraband Enforcement Team (ATCET) Officer Carlos Vargas was conducting ATCET operations when he referred a black Ford bearing CA/US 5ZQT473 to be inspected by a canine unit. The driver and sole occupant of the vehicle was identified as Janet GONZALEZ.

Canine Enforcement Officer (CEO) Lorne Jones and his Narcotics/Human Detector dog "Hex" were conducting ATCET operations at the Otay Mesa Port of Entry. During the operations, "Hex" alerted to the quarter panels of the black Ford Taurus bearing CA/US 5ZQT473.

During operations conducted by ATCET Officers, Supervisory CBP Officer Thomas Walters contacted GONZALEZ in the Secondary Inspection area. GONZALEZ stated a CBP Officer was giving her a hard time because she did not have a drivers license. Supervisory CBP Officer Walters asked GONZALEZ why she was driving if she did not have a license. GONZALEZ explained her license was revoked but the CBP Officer did not like that she lied to him about it. Supervisory CBP Officer Walters received two negative declarations from GONZALEZ. At this time CEO Jones' canine screened the vehicle. Supervisory CBP Officer Walters was informed of the positive canine alert to the vehicle driven by GONZALEZ. Upon inspection of the vehicle, Supervisory CBP Officer Walters observed packages in the rear driver side quarter panel. GONZALEZ was then escorted to the Security Office and the Ford Taurus was turned over to the Secondary Lot for processing.

The vehicle was referred to secondary for further inspection. A search conducted at secondary by CBP Officer Garcia revealed 15 packages in the driver and passenger side quarter panels of the vehicle. One of the packages was probed, and it field-tested positive for marijuana. A total of fifteen packages were removed from the vehicle, with a weight of approximately 16.78 kilograms (36.92 pounds).

On 11/14/2007, ICE Special Agents Scott Lensky and Lester McDaniel approached GONZALEZ. GONZALEZ stated she was willing to speak to agents, and an interview of the defendant was conducted in the English language at approximately 0205 hours. This interview was conducted in the presence of the undersigned ICE Special Agent (SA) Lensky and SA McDaniel. GONZALEZ was Mirandized in the presence of those agents, waived her rights and executed a written waiver indicating her agreement to answer questions without the presence of an attorney. During the interview, GONZALEZ appeared to be healthy and did not appear to be intoxicated, ill, or under the influence of narcotics. She was alert, responsive, and appeared capable of communicating, and she offered appropriate responses to questions. She did not appear to be unusually nervous or fearful. GONZALEZ declined food and accepted water when offered. No promises or threats were made to elicit GONZALEZ's statement. During the interview, GONZALEZ made the following statements:

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GONZALEZ was going to be paid $600 to drive the narcotic-laden vehicle into the United States. GONZALEZ was supposed to drop the vehicle off in the area of Main and Vista Street in National City, California. GONZALEZ knew there was marijuana in the vehicle.

GONZALEZ agreed to smuggle for a man named "Jamie" before she left to go to New York to care for her sick mother on November 5, 2007. GONZALEZ picked up the load vehicle at "El Soler" located near the beach in Tijuana, Mexico. GONZALEZ was given no instructions about how to cross the border. GONZALEZ was supposed to drop the narcotic-laden vehicle off and wait until the marijuana was unloaded. When the vehicle was returned to GONZALEZ, she was supposed to drive back to Mexico and receive her payment for the completed smuggling venture. GONZALEZ stated she was not being followed or watched. GONZALEZ stated she has known "Jamie" since 2002.

Dated: 11/14/07

For

Scott Lensky
Special Agent
U.S. Immigration & Customs Enforcement